

**BOARD OF NURSING
MINUTES**

July 13, 2006

- PRESENT:** Kathleen Sullivan, Jacqueline Johnsrud, Gretchen Lowe, Margaret Wood, Marilyn Kaufmann, Terrie Garcia, and Julia Nelson (observed)
- EXCUSED:** June Bahr, Blaine Ropson; Peggy Heine
- STAFF PRESENT:** Kimberly Nania, Director of Health Service Professions; Colleen Baird, Legal Counsel; Gina York, Bureau Assistant, and other DRL staff
- GUESTS:** Gina Dennik-Champion, WNA; Deb Stenul, Northcentral Technical College; Maryanne Lockin, Aurora University; Carmella Moran, Aurora University; Linda Olbenski, Dean George Williams College/Aurora University; John Buonora, WANA; Jeremy Levin, WI Medical Society; Shari Busse, DHFS/BQA

CALL TO ORDER

Marilyn Kaufmann called the meeting to order at 9:02 a.m. A quorum of six members was present for today's meeting. Ms. Kaufman welcomed Julia Nelson who will be replacing Jacqueline Johnsrud, upon her resignation. Therefore, Ms. Nelson is observing today's meeting to begin preparation of this new venture.

APPROVAL OF AGENDA

Additions to the Agenda:

- Open Session: Under Presentation of Proposed Stipulations Received After the Mailing of the Agenda – Add names Margaret Bjelde, RN; Charolette Brandenburg, LPN; Patricia Falck, LPN; Susan Krammer, RN; Daniel Paddor, RN; Lisa Stoven, RN; John E. Weyker, RN.
- Closed Session: Under IPP – Remove Appearance Requesting Reconsideration of Denial for Admission to IPP Program M.P.
- Closed Session: Under Deliberation of Proposed Stipulation Received After the Mailing of the Agenda – Add names Margaret Bjelde, RN; Charolette Brandenburg, LPN; Patricia Falck, LPN; Susan Krammer, RN; Daniel Paddor, RN; Lisa Stoven, RN; John E. Weyker, RN.

MOTION: Terrie Garcia moved, seconded by Gretchen Lowe, to remove from the agenda the IPP appearance regarding M.P. Motion carried unanimously.

MOTION: Kathleen Sullivan moved, seconded by Jacqueline Johnsrud, to approve the agenda of July 13, 2006 as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 8, 2006

Amendments to the Minutes:

None.

MOTION: Terrie Garcia moved, seconded by Gretchen Lowe, to approve the June 8, 2006 minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania, Administrator of the Division of Board Services, informed the Board that Marilyn Kaufmann and herself will be attending the NCSBN Delegate Assembly Meeting. They will provide a full report to the Board upon their return. Secretary Jackson introduced the new Deputy Secretary, Barbara Wyatt-Sibley, to the Board and shared her background experience and accomplishments. Secretary Jackson presented a plaque to Jacqueline Johnsrud for her outstanding service and dedication to the profession of Nursing. Ms. Johnsrud has served in various capacities for the past sixteen years and actively addressed major issues and future trends facing the nursing profession while ensuring the protection of the public. Ms. Johnsrud will resign from the Board after today's meeting. The Board will truly miss her passion, extensive knowledge base and guidance and wishes her the very best in all of her future endeavors.

PRESENTATION OF PROPOSED STIPULATIONS

There were six proposed stipulations before the Board at today's meeting. They were regarding the following individuals: Lori Ann Bresnahan, RN (04 NUR 083); Scott Fire, LPN (05 NUR 351); Karen Heck (03 NUR 173); Caryn Lessner, RN (04 NUR 329); Gwen Olivotti, LPN (05 NUR 036); Shirley Wick, RN (04 NUR 141).

PRESENTATION OF PROPOSED STIPULATIONS RECEIVED AFTER THE MAILING OF THE AGENDA

There were seven proposed stipulations received after the mailing of the agenda before the Board at today's meeting regarding the following individuals: Margaret Bjelde, RN; Charolette Brandenburg, LPN; Patricia Falck, LPN; Susan Krammer, RN; Daniel Paddor, RN; Lisa Stoven, RN; John E. Weyker, RN.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board reviewed the summary reports with Colleen Baird, Legal Counsel, and was available to the Board for questions and clarification if needed.

UPDATE AND STATUS ON ALL PENDING LEGISLATION

The Board received an update on that status of pending legislation at today's meeting.

DISCUSSION OF THE CAREGIVER LAW REQUIREMENTS AND EDUCATION SHARI BUSSE

At today's meeting, Shari Busse, DHFS Bureau of Quality Assurance, presented information regarding the caregiver law and answered questions from the Board surrounding this issue. One of the concerns expressed by the Board was how they can ensure that referrals made by the Board are being further investigated and followed by BQA. Michael Berndt, DRL-Division of Enforcement, informed the Board that they have the authority to take action and recommended that board orders should include specific language for BQA referrals when there is a violation of the caregiver law.

DISCUSSION REGARDING BQA FILES KATHLEEN SULLIVAN

There was a discussion regarding the content and handling of Bureau of Quality Assurance (BQA) files which are received by the Department of Regulation and Licensing and forwarded to the Board of Nursing. Currently the screening of BQA files are taking a lot of time to review. The materials submitted are extensive but difficult to clearly determine the violation being investigated and BQA's final recommendation to the Board. The question raised by the Board was whether the nurse doing the facility survey could make a referral using a summary statement to the Board inside the front cover indicating why the individuals are being referred and the findings supporting the violation(s). Shari Busse, DHFS Bureau of Quality Assurance, stated she would share this information with her agency and see what type of resolution could be made.

DISCUSSION REGARDING WHAT IS REQUIRED TO OBTAIN AN INITIAL STAY GUIDELINES FOR DRL MONITORING

The Board discussed at today's meeting the possibility of using a new format for impairment orders. At this time, orders have some flexibility built in regarding the granting of initial stays. Discussion continued on how best to handle this issue and the ability to deal with them between Board meetings. Some Board members expressed concern about just giving a cart blank approval to someone indicating it should be the full Board's responsibility or a Board approved liaison who will have the sole responsibility to perform this function. Upon the conclusion of the discussion, the board took the following action.

MOTION: Jacqueline Johnsrud moved, seconded by Gretchen Lowe, to allow the Board monitoring liaison to grant initial stays in the case of an impaired professional.
Motion carried unanimously.

DISCUSSION REGARDING ENDORSEMENT RULES AND PROCEDURES FOR CREDENTIALING

Cathy Pond, Division of Credentialing Administrator, and Colleen Baird, Legal Counsel, shared scenarios of situations involving requests for endorsement with the need for a refresher course. This situation occurs when individuals do not continue to renew their nursing license at the time of renewal and let it lapse for more than five years. The Board requested that Larry Martin, DRL Legislative Liaison, provide verification to the Board regarding licensing by the endorsement rules and if the current state where the individual was living would be willing to grant permission to them to take a Wisconsin board approved refresher course would it legally qualify them for licensure. This topic will be placed on the next Board agenda for further discussion.

INFORMATIONAL ITEMS

None.

REPORT OF THE FACULTY SHORTAGE MEETING

Marilyn Kaufmann reported that the taskforce is trying to finish up by their next meeting. One of the issues being addressed are surrounding others holding PhD's or Master Degrees in other fields wanting to teach nursing courses. Once the taskforce has completed its meetings it will present a recommendation paper for consideration by the Board of Nursing and other interested parties.

REPORT WI NURSING CENTER

Gina Dennik-Champion, WNA, shared the latest updates regarding the Wisconsin Center for Nursing. Staffing issues for facilities in Wisconsin have been discussed and it appears Wisconsin is better off than other states. The Board of Nursing has been proactive in the efforts surrounding the "Nursing Faculty Shortage" issue and the taskforce meetings are continuing with the next one scheduled for June 30, 2006 at the Department of Regulation and Licensing. Marilyn Kaufmann will keep the Board abreast of any relevant issues and the results from these meetings.

REPORT OF EDUCATION AND LICENSURE COMMITTEE

The following actions were taken at today's meeting.

AURORA UNIVERSITY AUTHORIZATION TO ADMIT TO RN TO BSN PROGRAM

The Committee reviewed the proposal by Aurora University School of Nursing to offer their RN to BSN program at their Lake Geneva Wisconsin Campus. After a short presentation by the schools representatives the following action was taken.

MOTION: Terrie Garcia moved, seconded by Gretchen Lowe, to recommend the authorization to admit be granted and approve of all courses with the stipulation that a self-evaluation report be submitted within six months of graduation of the first class. Motion carried unanimously.

Board's Motion:

MOTION: Jacqueline Johnsrud moved, seconded by Terrie Garcia, to accept the recommendation of the Education and Licensing Committee and approve Aurora University's RN to BSN program and to grant the authorization to admit and approve of all courses in their curriculum with the stipulation that a self-evaluation report be submitted within six months of graduation of the first class. Motion carried unanimously.

NORTHCENTRAL TECHNICAL COLLEGE DISCONTINUATION OF PN ONLY TRACK

The Northcentral Technical College (NTC) notified the Committee that they had discontinued their PN– Only Track program. Due to this change, NTC would like to allow students to complete their nursing education by selecting needed courses from the ADN program. The Committee reviewed and discussed their plan and whether it met the intent of N1.08(1) of the administrative rules. After some additional discussion, the Committee took the following action.

MOTION: Terrie Garcia moved, seconded by Gretchen Lowe, to recommend approval of the Northcentral Technical College PN program discontinuation plan which meets administrative rules N1.08(1). Motion carried unanimously.

Board's Motion:

MOTION: Jacqueline Johnsrud moved, seconded by Kathleen Sullivan, to accept the recommendation of the Education and Licensing Committee and approve Northcentral Technical College's PN program discontinuation plan. Motion carried unanimously.

STRATEGIES TO SPEED UP THE LICENSING PROCESS

The Committee reviewed the memo sent by Barbara Showers, Office of Education and Examinations, to all nursing program administrators in response to concerns expressed by the Board of Nursing at their last meeting regarding the processing time for licensure. In this memo, strategies were provided to assist in speeding up the licensing process by applicants.

REPORT OF PRACTICE COMMITTEE

The Practice Committee did not meet today. Therefore, there is nothing to report at this time.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Colleen Baird, Legal Counsel, as necessary throughout today's meeting.

DISCUSS AND REVIEW PRACTICE QUESTIONS RECEIVED BY LEGAL COUNSEL

This is ongoing and is being worked on during Practice Committee meetings.

VISITOR COMMENTS

Gina Dennik-Champion, WNA, thanked Jacqueline Johnsrud for all of her hard work and wished her well in her future. Aurora College thanked the Board for approving their nursing program and the opportunity to speak with them today.

CONVENE TO CLOSED SESSION

MOTION: Terrie Garcia moved, seconded by Gretchen Lowe, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Marilyn Kaufmann-yes, Gretchen Lowe-yes, Margaret Wood-yes; Terrie Garcia-yes, Kathleen Sullivan-yes; and Jacqueline Johnsrud-yes.

Open Session recessed at 10:44 a.m.

RECONVENE INTO OPEN SESSION

MOTION: Gretchen Lowe moved, seconded by Terrie Garcia, to reconvene into open session at 2:58 p.m. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

MOTION: Jacqueline Johnsrud moved, seconded by Kathleen Sullivan, to approve all decisions made in closed session. Motion carried unanimously.

IMPAIRED PROFESSIONALS PROGRAM (IPP)

IPP APPEARANCES

M.P.

**** No Appearance Occurred ****

The respondent requested to be removed from the July 13, 2006 meeting agenda.

**APPLICATION REVIEWS AND
APPEARANCES**

WILLIAM MAHER

MOTION: Terrie Garcia moved, seconded by Kathleen Sullivan, to postpone a decision on endorsement regarding William Maher until the fitness to practice letter is received from his treating psychiatrist. Motion carried unanimously.

MONITORING

APPEARANCES BEFORE THE BOARD

SHIRLEY RAGLAND

MOTION: Jacqueline Johnsrud moved, seconded by Kathleen Sullivan, to offer Shirley Ragland the options of standard five year impairment order with fifty-six (56) urine screens per year or the current Board Order stands. Ms. Raglund must maintain total compliance with her board order. Motion carried unanimously.

SHANNON DEPTULA

MOTION: Jacqueline Johnsrud moved, seconded by Gretchen Lowe, to grant Shannon Duptula a three-month stay with all reports to be received quarterly.

Motion carried unanimously.

**REQUESTS FOR REINSTATEMENT OF LIMITED LICENSE
TO TAKE REFRESHER COURSE**

SHIRLEY JACKSON

MOTION: Kathleen Sullivan moved, seconded by Terrie Garcia, to deny the request by Shirley Jackson for full reinstatement of a limited license. Reason for Denial: Based on Ms. Jackson's lack of assessment. Motion carried unanimously.

REQUESTS FOR REINSTATEMENT OF STAY

VICKI MCCAULLEY

MOTION: Jacqueline Johnsrud moved, seconded by Gretchen Lowe, to grant an initial stay to Vicki McCaulley, but deny all requests for modifications. Reason for Denial: Ms. McCaulley must show one year of continual compliance before she can re-petition the Board for any modifications. Motion carried unanimously.

REQUESTS FOR REINSTATEMENT OF LICENSURE

SHELLY HOLMES

MOTION: Jacqueline Johnsrud moved, seconded by Gretchen Lowe, to deny reinstatement of licensure to Shelly Holmes and require her to successfully complete a rehab review with DHFS. Upon successful completion of this review Ms. Holmes must have a completed assessment by her treating psychologist. Motion carried unanimously.

MARY LYNN KUSIK

MOTION: Jacqueline Johnsrud moved, seconded by Kathleen Sullivan, to deny the request for reinstatement of licensure by Mary Lynn Kusik. In order for Ms. Kusik to reapply for her RN licensure (as she is permanently barred from prescriptive authority) she must pay the fine, complete the required continuing education, sign a five-year standard impairment order, and complete

a current AODA assessment. Upon successfully meeting all of these requirements, Ms. Kusik may apply for a limited license to take a refresher course. Motion carried unanimously.

REQUESTS FOR A THREE MONTH STAY WITH MODIFICATIONS

MICHELLE DONAR

MOTION: Kathleen Sullivan moved, seconded by Terrie Garcia, to grant a three-month stay to Michelle Donar; and grant her request for a modification to reduce her urine screens to thirty (30) per year. Motion carried unanimously.

LEE DZIATKIEWICZ

MOTION: Kathleen Sullivan moved, seconded by Jacqueline Johnsrud, to grant a three-month stay to Lee Dziatkiewicz; approve the work site but deny her request for a reduction in urine screens. Reason for Denial: Due to change of employment. Motion carried unanimously.

DEANNA MATIS

MOTION: Kathleen Sullivan moved, seconded by Terrie Garcia, to grant a three-month stay to Deanna Matis; grant the modification to reduce therapy to two times per month but deny a reduction in her urine screens. Reason for Denial: The Board just reduced Ms. Matis's therapy. Motion carried unanimously.

REQUESTS FOR INITIAL STAY OF SUSPENSIONS

ANTHONY TUSHKOWSKI

MOTION: Kathleen Sullivan moved, seconded by Terrie Garcia, to grant an initial stay of suspension to Anthony Tushkowski. Motion carried unanimously.

REVIEW OF BOARD REQUESTED MATERIALS

CINDY WIERICHS

MOTION: Kathleen Sullivan moved, seconded by Gretchen Lowe, to deny a

three-month stay to Cindy Wierichs. Reason for Denial: Due to Ms. Wierichs non-compliance of her Board Order and lack of her frequency of therapy visits. Motion carried unanimously.

SURRENDER OF LICENSURE

SUZANNE KELLY

MOTION: Terrie Garcia moved, seconded by Kathleen Sullivan, to accept the surrender of licensure in the matter of Suzanne Kelly. Motion carried unanimously.

JEAN LARSCHEIDT

MOTION: Gretchen Lowe moved, seconded by Margaret Wood, to accept the surrender of licensure in the matter of Jean Larscheidt. Motion carried unanimously.

DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA

None.

STIPULATIONS

LORI ANN BRESNAHAN, RN

MOTION: Kathleen Sullivan moved, seconded by Terrie Garcia, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Lori Ann Bresnahan, RN. Motion carried unanimously.

SCOTT FIRE, LPN

MOTION: Kathleen Sullivan moved, seconded by Gretchen Lowe, to reject the proposed Stipulation regarding Scott Fire, LPN. Motion carried unanimously.

KAREN HECK, RN

MOTION: Margaret Wood moved, seconded by Gretchen Lowe, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Karen Heck, RN. Motion carried unanimously.

CARYN LESSNER, RN

MOTION: Terrie Garcia moved, seconded by Gretchen Lowe, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Caryn Lessner, RN. Motion carried unanimously.

GWEN OLIVOTTI, LPN

MOTION: Kathleen Sullivan moved, seconded by Terrie Garcia, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, Regarding Gwen Olivotti, LPN . Motion carried unanimously.

SHIRLEY WICK, RN

MOTION: Kathleen Sullivan moved, seconded by Gretchen Lowe, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Shirley Wick, RN. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATIONS RECEIVED AFTER MAILING OF AGENDA

MARGARET BJELDE, RN

MOTION: Gretchen Lowe moved, seconded by Margaret Wood, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Margaret Bjelde, RN. Motion carried unanimously.

CHAROLETTE BRANDENBURG, LPN

MOTION: Gretchen Lowe moved, seconded by Terrie Garcia, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Charolette Brandenburg, LPN. Motion carried unanimously.

PATRICIA FALCK, LPN

MOTION: Kathleen Sullivan moved, seconded by Gretchen Lowe, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Patricia Falck, LPN. Motion carried unanimously.

SUSAN KRAMMER, RN

MOTION: Kathleen Sullivan moved, seconded by Terrie Garcia, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Susan Krammer, RN. Motion carried unanimously.

DANIEL PADDOR, RN

MOTION: Gretchen Lowe moved, seconded by Margaret Wood, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Daniel Paddor, RN. Motion carried unanimously.

LISA STOVEN, RN

MOTION: Terrie Garcia moved, seconded by Gretchen Lowe, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Lisa Stoven, RN. Motion carried unanimously.

JOHN E. WEYKER, RN

MOTION: Margaret Wood moved, seconded by Terrie Garcia, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding John E. Weyker, RN. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNINGS RECEIVED AFTER MAILING OF AGENDA

None.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS IN THE
MATTER OF DISCIPLINARY PROCEEDINGS RECEIVED
AFTER THE MAILING OF THE AGENDA**

None.

**DELIBERATION OF ORDER FIXING COSTS THAT MAY BE RECEIVED AFTER
THE MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARINGS THAT MAY BE SIGNED
AFTER MAILING OF AGENDA**

None.

DIVISION OF ENFORCEMENTCASE STATUS REPORT

- MOTION:** Margaret Wood moved, seconded Gretchen Lowe, to close case 03 NUR 150 for no violation. Motion carried unanimously.
- MOTION:** Terrie Garcia moved, seconded by Margaret Wood, to close case 04 NUR 361 for P7. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded Terrie Garcia, to close case 01 NUR 207 for P3. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Gretchen Lowe, to close case 05 NUR 401 for no violation. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Margaret Wood, to close case 06 NUR 108 for prosecutorial discretion (P7). Motion carried unanimously.
- MOTION:** Gretchen Lowe moved, seconded by Margaret Wood, to close case 06 NUR 145 for P7. Motion carried unanimously.
- MOTION:** Gretchen Lowe moved, seconded by Margaret Wood, to close case 05 NUR 109 for prosecutorial discretion (P1). Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Terrie Garcia, to close case 04 NUR 069 for P5, with a Flag placed on the credentialing system. Motion carried unanimously.
- MOTION:** Gretchen Lowe moved, seconded by Margaret Wood, to close case 06 NUR 068 for P1. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Terrie Garcia, to close case 06 NUR 009 for no violation. Motion carried unanimously.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: Jacqueline Johnsrud moved, seconded by Gretchen Lowe, to adjourn the meeting at 3:18 p.m. Motion carried unanimously.